

Senate Amendment 3209

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1 1 Amend Senate File 460 as follows:
1 2 #1. By striking everything after the enacting
1 3 clause, and inserting the following:
1 4 <Section 1. NEW SECTION. 217.41B PROVIDER
1 5 APPEALS == FINAL DECISION.
1 6 1. a. Notwithstanding any conflicting provision
1 7 of chapter 17A, when an administrative law judge,
1 8 assigned by the division of administrative hearings in
1 9 accordance with the provisions of section 10A.801, is
1 10 the presiding officer at a provider appeal hearing as
1 11 described in subsection 2, the administrative law
1 12 judge shall make a proposed decision that shall
1 13 include findings of fact and conclusions of law,
1 14 separately stated.
1 15 b. When the presiding officer makes a proposed
1 16 decision, that decision then becomes the final
1 17 decision of the department, and shall meet the
1 18 requirements of a final decision pursuant to section
1 19 17A.16, without further proceedings, unless there is
1 20 an appeal to, or review on motion of, the department
1 21 within the time provided by rule.
1 22 c. On appeal or review of the proposed decision,
1 23 the department may only reject or modify the presiding
1 24 officer's findings of fact and conclusions of law if
1 25 the department states, with particularity, the
1 26 department's reasons for rejecting or modifying each
1 27 finding of fact and conclusion of law.
1 28 (1) The department may only reject or modify
1 29 findings of fact if the department first determines
1 30 from a review of the entire record, and states with
1 31 particularity in the order, that the findings of fact
1 32 were clearly erroneous in view of the reliable,
1 33 probative, and substantial evidence on the record as a
1 34 whole, or that the proceedings on which the findings
1 35 were based did not comply with the essential
1 36 requirements of law.
1 37 (2) The department may only reject or modify the
1 38 conclusions of law if the department first determines
1 39 from a review of the entire record, and states with
1 40 particularity in the order, that the conclusions of
1 41 law were clearly erroneous in view of the reliable,
1 42 probative, and substantial evidence on the record as a
1 43 whole.
1 44 (3) Rejection or modification of conclusions of
1 45 law shall not form the basis for rejection or
1 46 modification of findings of fact.
1 47 d. A party to a provider appeal hearing as
1 48 described in subsection 2 may file a request for
1 49 rehearing pursuant to section 17A.16.
1 50 e. A party who is aggrieved or adversely affected
2 1 by a final decision under this section is entitled to
2 2 judicial review as provided in section 17A.19.
2 3 2. A provider appeal hearing shall be available to
2 4 a provider, if any of the following conditions, which
2 5 constitutes a contested case, is met:
2 6 a. The provider's license, certification,
2 7 registration, approval, or accreditation has been
2 8 denied or revoked or has not been acted upon in a
2 9 timely manner.
2 10 b. The provider's claim for payment or request for
2 11 prior authorization for payment has been denied.
2 12 c. The provider's contract as a medical assistance
2 13 patient manager has been terminated.
2 14 d. The provider has been notified that an
2 15 overpayment has been established and repayment is
2 16 requested.
2 17 e. The provider has been notified that the
2 18 reconsideration process has been exhausted and the
2 19 provider is not satisfied with the result.
2 20 f. The provider's claim for payment was not made
2 21 according to department policy.
2 22 g. The provider's application for a child care
2 23 quality rating has not been acted upon in a timely
2 24 manner, the provider disagrees with the department's

2 25 quality rating decision, or the provider's certificate
2 26 of quality rating has been revoked.
2 27 3. For purposes of this subsection, "provider"
2 28 means provider as defined in section 249A.2 or a
2 29 provider of child care as defined in section 237A.1.>
2 30 #2. Title page, lines 1 and 2, by striking the
2 31 words <medical assistance providers> and inserting the
2 32 following: <certain medical assistance providers and
2 33 child care providers>.
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2 37 KEITH A. KREIMAN
2 38 SF 460.701 82
2 39 pf/gg/8075